

REMARKS

Reconsideration of the present application is requested on the basis of the following particulars.

1. Telephonic interview of November 30, 2004

Applicants appreciate the courtesy of the Examiner in reviewing a proposed set of draft claims that present amendments to overcome the rejection of the claims on the basis of 35 U.S.C. § 112, second paragraph. The Examiner suggested that the claims exemplify greater positional relationship between the features of the claims.

As will be discussed below, in the amendment of the claims, Applicants have taken the Examiner's recommendations and provided language in the claims which make the positional relationship between the claim features more apparent.

2. Rejection of claims 1, 3-9 and 11-13 under 35 U.S.C. § 112, second paragraph

Claims 1, 3-9 and 11-13 presently stand rejected on the basis that claim 1 fails to comply with 35 U.S.C. § 112, second paragraph. In view of the amendment of claim 1, Applicants submit that claim 1 complies with 35 U.S.C. § 112, second paragraph. Claims 3-8 and 11-13, which depend directly or indirectly from claim 1 are thus patentable based on their dependency from claim 1 and their individually recited features. Claim 9 is canceled in the amendment without prejudice or disclaimer.

In view of the amendment of claim 1, withdrawal of this rejection is respectfully requested.

Turning specifically to the amendment of claim 1, first the claim is structured around a transport apparatus which is arranged to transport loose sheet material.

Next, a stacking unit is recited as being positioned to receive sheet material transported by the transport apparatus. Thus, the transport apparatus feeds sheet material to the stacking unit.

Next, a strapping unit is recited as receiving loose sheet material from the stacking unit which is located generally adjacent the stacking unit. Moreover, the deposit bin is arranged to receive either strapped sheet material strapped by the strapping unit and/or loose sheet material from the stacking unit. The deposit bin is described as being located below the stacking unit.

With the clarified description of the features, which the Applicants maintain was implicit in the claims as previously amended, one can trace how each of the features of the claim are connected to one another. The claim no longer raises the issue of features that bear no positional relationship to one another.

Because of this clarified description, the claim even more clearly describes the action of the movable plate which diverts sheet material to the strapping unit or, in the alternative, permits direct deposit of sheet material from the stacking unit into the deposit bin. Additionally, so as to distinguish the deposit bin from the strapping unit, a first area below the stacking unit is defined as directly communicating between the deposit bin and the stacking unit. Moreover, this first area may be obstructed by the movable plate so as to divert sheet material to the strapping unit.

Of additional note, the term "deposit device" has been removed from the claim and instead the claim refers only to a "deposit bin." Moreover, the apparatus according to claim 1, in general, is recited to selectively deposit loose and strapped sheet material. Claim 14 includes a similar description of the basic claimed method. Thus, either loose or strapped sheet material may be processed by the apparatus into the deposit bin.

Claims 4, 5 and 6 are amended to clarify a "deposit bin" in view of the amendment of claim 1.

It is respectfully submitted that no new issues requiring further detailed consideration or search have been presented by the proposed amendments and that entry of the claim amendments is appropriate under 37 C.F.R. § 1.116. Entry of the amendment at least for purposes of appeal is respectfully requested in view of the fact that they present rejected claims in better form for consideration on appeal (37 C.F.R. 1.116).

It will be noted that the claims have only been amended to overcome the rejections under 35 U.S.C. 112, first and second paragraphs. Furthermore, the amendments to the claims do not alter the scope of the claims, but merely improve the clarity of the subject matter for which protection is sought. The amendments were not made to avoid prior art, as it is believed that claims are fully patentable over the cited prior art. Rather, in reviewing the claim language it was perceived that some of the language could be improved to more clearly define the inventive subject matter.

Application No.: 10/069,986
Examiner: Paul R. Durand
Art Unit: 3721

3. Conclusion

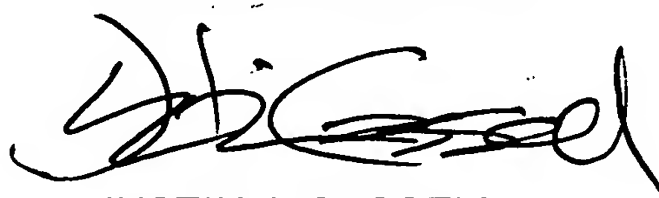
In view of the amendments to the claims, and further in view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that claims 1, 3-8, 11-14, 16 and 17 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicants' Attorney, the Examiner is invited to contact the undersigned at the numbers shown below.

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Date: December 3, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Justin J. Cassell', written over a horizontal line.

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